



~~November 16, 2006 CPC~~

~~January 16, 2007 CPC~~

~~February 20, 2007 CPC~~

~~April 17, 2007 CPC~~

June 19, 2007 CPC

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

07SN0152

Patricia H. Patton  
and  
Michael and Myrna T. McCaffery  
(AMENDED)

Matoaca Magisterial District  
South line of Hull Street Road

REQUEST: Rezoning from Agricultural (A) to Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to setback requirements. Specifically, a twenty-five (25) foot exception to the side and rear yard setback requirements is requested.

PROPOSED LAND USE:

Commercial uses are planned.

RECOMMENDATION

Recommend denial for the following reasons:

- A. The proposed zoning and land uses are in conflict with the recommendations of the adopted Upper Swift Creek Plan which suggests mixed use corridor to include office and residential uses.
- B. The requested exception to setback requirements further increases the impact the proposed uses may have on adjacent residential development.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNERS MAY PROFFER CONDITIONS.)

## CONDITIONS

In conjunction with the approval of this request, an exception to the setback requirements along the southern and western property boundaries shall be granted. The required setback along the southern boundary shall be fifteen (15) feet and five (5) feet along the western boundary and shall be landscaped in accordance with Ordinance requirements for such setbacks. (P)

(NOTE: Buffer requirements must be met per Ordinance requirements unless modified at time of site plan review.)

## PROFFERED CONDITIONS

1. Water and Sewer. The public water and wastewater systems shall be used. (U)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Dedication. Prior to any site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, one hundred (100) feet of right-of-way along the south side of Route 360, measured from the centerline of that part of Route 360 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
4. Access. Direct vehicular access from the property to Hull Street Road (Route 360) shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
5. Transportation. In conjunction with initial development of the property, additional pavement shall be constructed along the eastbound lanes of Route 360 to provide a separate right turn lane at the approved access. In conjunction with any development on the Parcel identified as Tax ID 730-674-7150, additional pavement shall be constructed along the eastbound lanes of Route 360 to provide an additional lane across the entire property frontage of that Parcel. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for these improvements. (T)
6. Open Basins. Any open basins required for water quantity or quality which are designed as wet ponds shall be landscaped or otherwise improved so that the facilities become visual enhancements to, and amenities for, the uses developed on the Property. At the time of site plan submission, a plan depicting these requirements shall be submitted for review and approval. (P)

7. Parking Lot Lights. Freestanding parking lot lights shall not exceed twenty (20) feet in height. (P)
8. Hours of Operation. With the exception of hotels and uses permitted by right or with restrictions in the Corporate Office (O-2) District, no use shall be open to the public between 12 midnight and 6:00 a.m. (P)
9. Elevation. Any building shall be constructed so that the lowest finished floor shall have a minimum elevation of 190.5 feet above sea level. (EE)
10. Square footage: Except for hotels, no single tenant shall exceed thirty thousand gross feet. (P)

### GENERAL INFORMATION

#### Location:

South line of Hull Street Road, east of Mockingbird Lane. Tax IDs 730-674-7150 and 731-674-2477 (Sheet 16).

#### Existing Zoning:

A

#### Size:

12.5 acres

#### Existing Land Use:

Single family residential or vacant

#### Adjacent Zoning and Land Use:

North - O-2 with Conditional Use Planned Development; Office, commercial or vacant

South - A with Conditional Use and R-7; Single family residential or vacant

East - C-3 and O-2 with Conditional Use Planned Development; Commercial, residential or vacant

West - R-7 with

### UTILITIES

#### Public Water System:

A twenty-four (24) inch water line extends along the north side of Hull Street Road, opposite this site. In addition, an eight (8) inch water line cross Hull Street Road and

extends south along Mockingbird Lane approximately 470 feet west of this site. Use of the public water system has been proffered. (Proffered Condition 1)

#### Public Wastewater System:

A thirty (30) inch wastewater trunk line extends along the west side of Swift Creek and within an easement across the eastern boundary of this site. Use of the public wastewater system has been proffered. (Proffered Condition 1)

### ENVIRONMENTAL

#### Drainage and Erosion:

The subject property drains to the east to Swift Creek. The entire eastern property line is adjacent to Swift Creek which is a perennial stream and as such, is subject to a 100 foot conservation area inside of which there are limited uses. There are no existing on- or off-site drainage or erosion problems and none are anticipated after development.

The subject property is wooded and should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering and the appropriate devices installed. (Proffered Condition 2).

The property is located directly downstream of Swift Creek dam which is a Category 5 dam (State's highest classification of a dam). In order not to jeopardize any development in close proximity to the dam, the developer has agreed that all structures will have a minimum finish floor elevation higher than the dam failure limits, as recognized by the Utilities Department and the State. (Proffered Condition 9)

### PUBLIC FACILITIES

#### Fire Service:

The Clover Hill Fire Station, Company Number 7, currently provides fire protection and emergency medical service. This request will have a minimal impact on fire and EMS.

#### Transportation:

The property (12.5 acres) is located on the south side of Hull Street Road (Route 360) between Mockingbird Lane and Swift Creek, and is currently zoned Agricultural (A). The applicants are requesting rezoning to Community Business (C-3). This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. A resource protection area (RPA) covers almost half of the property. Based on shopping center trip rates, development could generate approximately 5,590 average daily trips. These vehicles will be initially distributed along Route 360. Based on the most recent data from the Virginia Department of Transportation (VDOT), the section of Route 360 between Spring Run Road and Old Hundred Road was carrying 67,324

vehicles per day (VPD) in 2006. This section of Route 360 is beyond capacity (Level of Service F) for the volume of traffic it currently carries. Drivers experience long delays, especially during peak travel periods. An improvement project will soon complete the widening of Route 360 to an 8-lane highway west of the Old Hundred Road intersection. This should reduce traffic congestion along the corridor, although it is likely that significant congestion will continue.

The Thoroughfare Plan identifies Route 360 as a major arterial with a recommended right-of-way width of 120 to 200 feet. The applicants have proffered to dedicate one hundred (100) feet of right-of-way, measured from the centerline of Route 360, in accordance with that Plan. (Proffered Condition 3)

Development must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). Access to major arterials, such as Route 360, should be controlled. The applicants have proffered that direct vehicular access from the property to Route 360 will be limited to one (1) entrance/exit (Proffered Conditions 4). This access will be limited to right-turns-in and right-turns-out only.

The traffic impact of this development must be addressed. The applicants have proffered the customary road improvements along Route 360 such as construction of an additional lane of pavement along part of the property frontage and construction of a separate right turn lane at the approved access (Proffered Condition 5). Because part of Route 360 eastbound adjacent to the property was widened to four (4) lanes with the Swift Creek bridge project, the applicants have proffered to construct the additional lane only along the section that has not been widened, identified as Tax ID 730-674-7150 (the McCaffrey property). This improvement will be provided with initial development of the McCaffrey property. The right turn lane will be constructed along Route 360 with any development that occurs on the entire property.

At time of site plan review, specific recommendations will be provided regarding access and internal site circulation.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for a mixture of corporate office and residential uses of varying densities. The Plan stipulates that supportive commercial uses may be appropriate where they are integrated within a mixed use development to include office and residential uses and that such uses should not create excessive noise or glare, should have limited, coordinated accesses and should be compatible with area residential developments. The goal of the Plan is to discourage typical strip commercial development along Route 360 and to encourage commercial uses to be located within nodes at major intersections.

The Upper Swift Creek Plan is being revised.

#### Area Development Trends:

Properties to the north are zoned Corporate Office (O-2) and are occupied by commercial and office uses as part of the Harbour Pointe development. Properties to the east are zoned Community Commercial (C-3) and Corporate Office (O-2) and are occupied by commercial and residential uses within the Commonwealth Center development. Properties to the west and south are zoned Agricultural (A) and Residential (R-7) and are occupied by office, day care and public utility use or single family residential dwellings within the Mockingbird Hill Subdivision. The Plan suggests that commercial services should be reserved for major intersections with transitional uses, such as office and higher density residential uses, between these commercial nodes in areas including and surrounding the subject property.

#### Zoning History:

On October 6, 1981, the Board of Zoning Appeals approved renewal of a Special Exception (Case 81A154) to operate a real estate office on a portion of the request property subject to conditions relative to limiting approval to the property owners, number of employees, hours of operation, parking, additions or alterations to the existing dwelling, outside storage, permitted number of customers and signage. There was no time limitation placed on this Special Exception; however, should this rezoning request be approved, this Special Exception would be void.

#### Uses:

Should this request be approved, uses permitted by right or with restrictions in the Community Business (C-3) District would be permitted on the request property. These uses are only suggested to be appropriate by the Plan when such uses are supportive of, and integrated within, a mixed development of office and possibly higher density residential uses and where they are designed to be compatible with surrounding residential development.

#### Development Standards:

The request property lies within an Emerging Growth District Area. The Zoning Ordinance specifically addresses access, landscaping, architectural treatment, setbacks, parking, signs, buffers, utilities and screening. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. Development of the request property will be subject to these Ordinance standards, except that the applicant has requested setback exceptions as discussed herein.

In addition, the request property is located within the Route 360 Corridor West area. Within this area, the Zoning Ordinance addresses architectural styles for projects, requires building elements to be provided to reduce the mass of large buildings, provides for a pedestrian scale environment, and requires buildings to be compatible with residential architecture and

other buildings within the same project or surrounding area.

Proffered Conditions 6 and 7 would require wet open basins required for water quantity or quality to be landscaped and improved as visual enhancements or amenities and places a height limitation of freestanding parking lot lights.

#### Setbacks and Buffers:

The request includes a twenty-five (25) foot setback exception along the southern and western property boundaries. A reduction in setback requirements along the southern property line further increases the impact the proposed uses may have on adjacent residential development. It should be noted that the Ordinance requires a seventy-five (75) foot buffer adjacent to Residentially zoned property to the south. It should be noted that while the applicant has requested a setback exception, the buffer will still be required unless modified at time of site plan review. Should this request be approved, a condition should be imposed to clarify the setback exception to be granted. (Condition)

The applicants have indicated the intent to request a buffer reduction.

#### Hours of Operation:

Proffered Condition 8 would limit hours of operation for uses other than a hotel.

#### Individual Tenant Space:

Proffered Condition 10 would establish a minimum square footage for individual tenant space within a building for uses other than hotels. This limitation would still allow small box retail and strip commercial development of the request property which fails to comply with the Plan recommendations.

### CONCLUSION

The proposed commercial zoning and land uses are in conflict with the recommendations of the adopted Upper Swift Creek Plan which suggests mixed use corridor uses to include office and residential uses of varying densities. While the Plan suggests limited convenience commercial uses to serve area residents may be appropriate it stipulates that such uses should be a part of an integrated mixed use project including office and residential uses of varying densities. This proposal does not provide for such integration nor does it address appropriate land use transitions. In addition, the requested exception to setback requirements further increases the impact the proposed uses may have on adjacent residential development.

Given these considerations, denial of this request is recommended.

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## CASE HISTORY

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Applicant (11/15/06):

The application was amended to include additional property.

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Planning Commission Meeting (11/16/06):

At the request of the applicant, the Commission deferred this case to January 16, 2007.

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Staff (11/20/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than November 22, 2006, for consideration at the Commission's January 16, 2007, public hearing.

Also, the applicant was advised that a \$130.00 deferral fee must be paid prior to the Commission's public hearing.

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Applicant (12/5/06):

The deferral fee was paid.

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Applicant (12/21/06):

A deferral was requested.

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Planning Commission Meeting (1/16/07):

At the request of the applicant, the Commission deferred this case to February 20, 2007.

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Staff (1/17/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than January 22, 2007, for consideration at the Commission's February 20, 2007, public hearing.



Also, the applicant was advised that a \$230.00 deferral fee must be paid prior to the Commission's public hearing.

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Applicant (1/22/07 and 1/29/07):

Revised and additional proffered conditions were submitted.

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Applicant (1/31/07):

The deferral fee was paid.

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Applicant (2/7/07):

A deferral was requested.

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Planning Commission Meeting (2/20/07):

The Commission deferred this case to April 17, 2007, thirty (30) days at the request of the applicant and thirty (30) days on the Commission's own motion.

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Staff (2/21/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than February 26, 2007, for consideration at the Commission's April 17, 2007, public hearing.

Also, the applicant was advised that a \$230.00 deferral fee must be paid prior to the Commission's public hearing.

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Applicant (3/1/07):

The deferral fee was paid.

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Applicant (3/19/07 and 3/29/07):

Revisions to proffered conditions were submitted.

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Planning Commission Meeting (4/19/07):

The applicants did not accept the recommendation arguing that the proposed uses were superior to the multi-family uses recommended by the Plan. They provided that the adjacent residential uses would not be greatly impacted since there would be no access to Mockingbird Lane and a buffer is required adjacent to residential uses. In addition, the applicants' representative stated that they will withdraw the request for setback exceptions.

A number of citizens spoke in opposition to the request citing concerns relative to additional traffic, lighting, noise, hours of operation, buffers, deliveries, impact on the neighborhood and drainage.

Mr. Bass stated a deferral was appropriate to permit another community meeting to discuss the neighbors concerns. Mr. Gecker stated it was important for the applicants to address the impacts of this request on the adjacent neighborhood.

On their own motion, the Commission deferred this case to their June 19, 2007, public hearing.

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Staff (4/20/07):

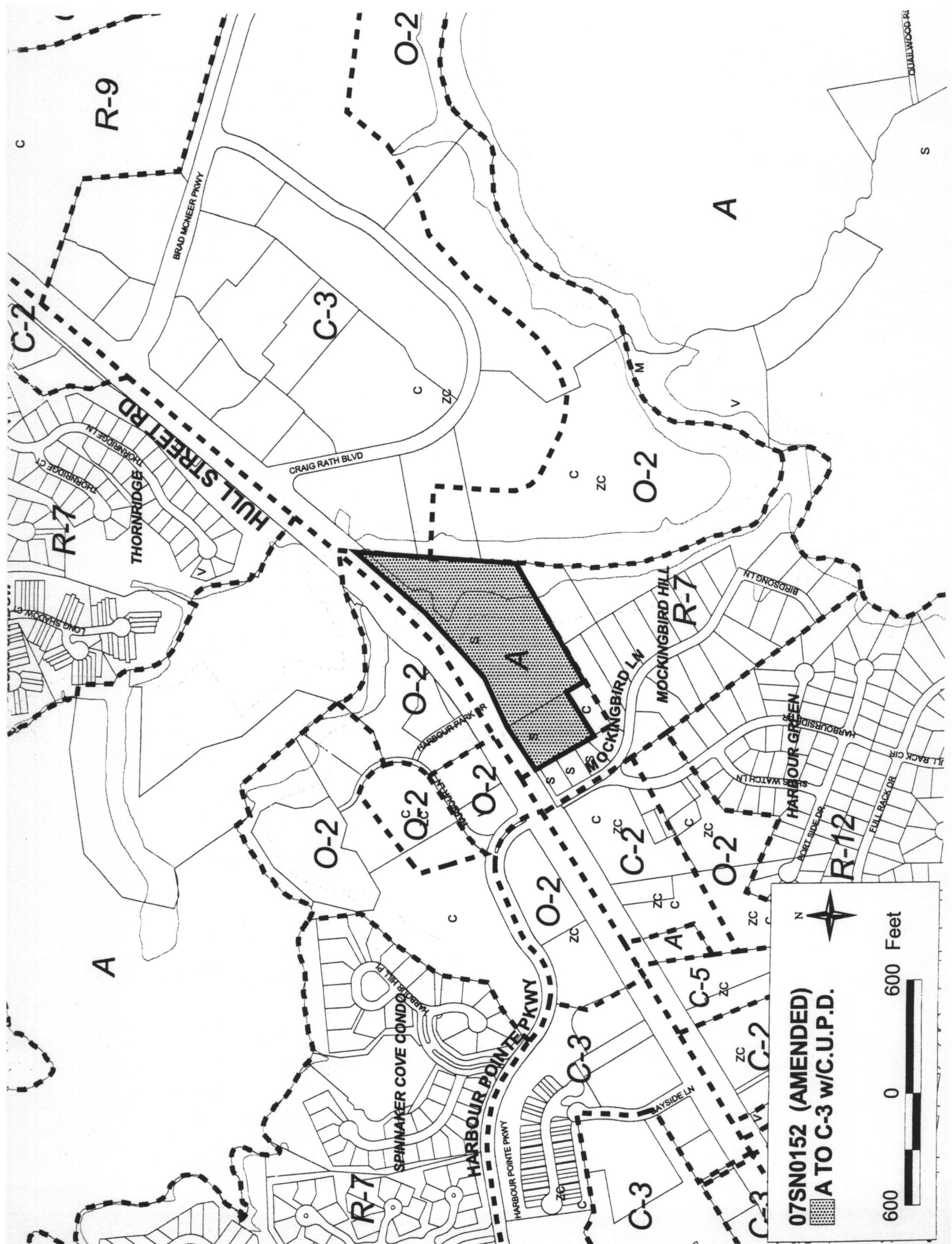
The applicant was advised in writing that any new or revised information should be submitted no later than April 23, 2007, for consideration at the Commission's June 19, 2007, public hearing.

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Staff (5/14/07):

To date, no new or revised information has been received.

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07SN0152 (AMENDED)  
A TO C-3 w/C.U.P.D.

